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SUBJECT: VENEZUELA CONTENT FOR "SUPPORTING HUMAN RIGHTS AND DEMOCRACY" REPORT

**¶1.** (U) This cable contains post's proposed draft for the country narrative for the 2004 "Supporting Human Rights and Democracy: The U.S. Record" report.

**¶2.** (U) Begin text:

In 1998 Venezuelans elected Hugo Chavez president. Since then, the political situation has become highly polarized as Chavez has pursued his &Bolivarian& revolution. In 2002 this polarization led to violent disturbances, a brief interruption of the constitutional order, and then a crippling national strike. Political violence, often by government supporters facing little resistance from security forces, became a part of the political landscape in 2003. In the first half of 2004, the opposition struggled to force the electoral authorities to call a presidential recall referendum. The U.S. government supported this electoral solution as the best way to implement Organization of American States (OAS) Resolution 833, which called for a peaceful, democratic, electoral and constitutional resolution to the political crisis in Venezuela. According to international observers, the National Electoral Council (CNE) behaved in a clearly partisan manner throughout this period, restricting avenues for the referendum, allowing massive last minute nationalizations, and manipulating the electoral rules to disadvantage the opponents of President Chavez. Nevertheless, the referendum took place on August 15, and President Chavez won 60% of the votes. The OAS and Carter Center ruled that the vote represented the will of the Venezuelan people, despite widespread opposition complaints of vote fraud and pre-referendum manipulations by the CNE. In the October regional elections pro-government candidates won 20 of 22 governorships. These strengthened the Chavez administration, and weakened his opponents.

The government also increased its control over the judicial system, and its interference in the administration of justice. The National Assembly passed a law in May increasing the number of Supreme Court justices from 20 to 32. This gave the pro-government majority in the National Assembly the power to pack the court with Chavez sympathizers. The law also makes it relatively easy for the National Assembly or the Moral Council (a body made up of the Attorney General, Comptroller General, and the Human Rights Ombudsman ) all personally loyal to President Chavez) to remove or indefinitely suspend Supreme Court justices for ill-defined violations. This is especially significant for the rule of law in Venezuela because the Supreme Court administers the entire court system. During the year the Supreme Court fired several judges for decisions the government did not approve of, while apparently political prosecutions against opposition and NGO leaders proceeded despite apparent violations of due process. Such prosecutions intimidated NGOs, including human rights groups who were subject to threats by government supporters. The Inter-American Commission on Human Rights found sufficient evidence of threats that it issued a protective order for the leader of one such NGO in 2002 that remains in effect. The legislature also passed a law in December regulating the media. The law includes vague prohibitions against transmitting violent images, or statements that might lead to public disorder. It also includes stiff fines that have led to fears of self-censorship by media owners. The National Assembly also passed amendments to the penal code that provide for prison sentences for making statements through any media that upset the public.<sup>8</sup> The law also illegalizes noisy public protests (cacerolazos).

The overall human rights situation continued to be poor. Police and military units continued to kill suspects in &confrontations&, which eyewitness testimony often categorizes as executions. Such actions were rarely prosecuted or punished. In February-March demonstrators were systematically tortured by National Guard troops. The condition of Venezuela's prisons remained deplorable, and the authorities were unable to contain prisoner on prisoner violence that contributed to over 247 deaths. Child labor and violence against women and children continued to be a problem. The U.S. government sanctioned the Venezuelan government for inaction on the problem of Trafficking in Persons, by placing Venezuela in the Tier Three list of countries not doing enough to fight trafficking in persons during the year. This action drew attention to the issue in Venezuela, and the Embassy continues to express the U.S. government's concern on this subject to the Venezuelan

government.

The United States supports the efforts of the Venezuelan government and opposition to ease political polarization through dialogue and negotiation, based on mutual respect for the rule of law, democracy, the constitution, and human rights. The U.S. government's role in helping bring about this goal is hampered by the Venezuelan government's hostility to, and frequent distortion of, U.S. government statements and actions. President Chavez has publicly accused the U.S. government of hostile actions against his government on numerous occasions, and has attempted to discredit the political opposition by accusing them of being agents of the U.S. government. Venezuelan prosecutors have attempted to criminalize the funding of NGOs by the National Endowment for Democracy (NED) through a criminal prosecution of the electoral watchdog NGO Sumate. Embassy access to the government of Venezuela is limited.

Despite the hostility of the Venezuelan government to perceived U.S. government interference, high level government officials have spoken publicly on numerous occasions against human rights violations in Venezuela, in favor of freedom of the press, and in favor of a peaceful, democratic, electoral and constitutional solution to Venezuela's political conflict. U.S. diplomats worked to coordinate support for democracy and human rights in Venezuela with other governments, especially to help build international support for the referendum process, as well as in defense of freedom of the press and to defend NGOs from government pressure.

To defend human rights in Venezuela, and specifically to reduce the instance of extra-judicial killings and torture, Embassy law enforcement representatives included human rights segments in all their training programs with Venezuelan law enforcement agencies. The Public Affairs section of the Embassy also sent Venezuelan police officers to the United States on International Visitors programs, which included human rights components. In Caracas, Public Affairs began a series of four digital videoconferences with the Police Chief of San Jose, California for thirty police officers on protecting human rights in daily police activities. Various Embassy sections vetted all candidates for military training in the United States for human rights violations, in compliance with the Leahy Amendment. To help strengthen the relatively weak human rights NGOs working in Venezuela, under intense government pressure, Freedom House began a program to teach human rights organizations and practitioners successful strategies employed by human rights defenders in other countries, and to increase their institutional capacity through exchanges. This program also solidified links between Venezuelan human rights activists and other key human rights activists in Latin America. The Public Affairs section brought speakers from the United States to talk about prison reform, indigenous rights, and property rights as human rights.

The Embassy worked to strengthen democracy and the rule of law by sending U.S. diplomats to criminal proceedings against opposition leaders to show U.S. government concern. Opposition leaders under investigation were invited to Embassy events, along with government supporters, to show U.S. government support for democracy and political tolerance, and rejection of judicial intimidation. State Department spokespersons called attention to the negative effect on judicial independence of the Supreme Court law. Embassy officers, Congressional delegations, and visiting State Department officials also delivered messages to Venezuelan government, judicial, and prosecutorial officials in defense of Sumate leaders accused of treason for accepting NED funding. The Public Affairs section arranged a series of digital videoconferences on the adversarial system to help train Venezuelan judges and lawyers. They also brought two judges and a mediator from the United States to talk about increasing the efficiency of court proceedings to insure swift and impartial administration of justice and a court mediator to discuss alternatives to judicial proceedings.

The Embassy worked to help strengthen democracy in Venezuela through various electoral projects, including working with electoral observation groups. The Carter Center fielded a team of international monitors to observe the presidential recall referendum. Embassy officers also observed the referendum signature drive, the signature confirmation event, the referendum itself, and regional elections during the year. The Public Affairs section put together an International Visitor program on electoral procedures that included a pro-Chavez National Assembly Deputy and members of the opposition.

To help strengthen political parties in Venezuela, the NDI promoted programs with political parties across the political spectrum focused on political party renewal and internal democratization. The International Republican Institute (IRI) continued to provide technical assistance to political

parties, training its members in issues such as how to choose and position a candidate, how to reach the masses with a campaign message, and how to raise funds locally. The U.S. Agency of International Development (USAID) also worked to strengthen civil society groups, assisting local NGOs focused on supporting peaceful debate and conflict resolution, support for democratic institutions, promoting civic education, and providing/increasing platforms for individuals of differing political ideologies to come together to resolve issues. The Public Affairs section also sent a group of student political leaders to the United States on an International Visitors Program to study grassroots democracy, and another group to an OAS conference that taught them ways to strengthen democracy and learn more about their rights as citizens.

State Department spokespersons publicly expressed the U.S. government's concern that the media law passed by the National Assembly could threaten freedom of the press. The Public Affairs section distributed this statement throughout the media, to send as strong a message as possible to the Venezuelan media that the U.S. government supported its struggle to maintain press freedoms. Public Affairs also hosted a digital videoconference on freedom of the press timed to coincide with the debate over the law. Embassy officials have also expressed the U.S. government's concern over the law in private conversations with Venezuelan officials.

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